

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference A2004/00401	FOR FURTHER ACTION		See item 4 below
International application No. PCT/AT2005/000069	International filing date (<i>day/month/year</i>) 04 March 2005 (04.03.2005)	Priority date (<i>day/month/year</i>) 09 March 2004 (09.03.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant FRONIUS INTERNATIONAL GMBH			

<ol style="list-style-type: none"> 1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a). 2. This REPORT consists of a total of 6 sheets, including this cover sheet. <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<ol style="list-style-type: none"> 3. This report contains indications relating to the following items: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center; padding-right: 10px;"> <input checked="" type="checkbox"/> </td> <td>Box No. I Basis of the report</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input type="checkbox"/> </td> <td>Box No. II Priority</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input type="checkbox"/> </td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input type="checkbox"/> </td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input checked="" type="checkbox"/> </td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input type="checkbox"/> </td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input type="checkbox"/> </td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td style="text-align: center; padding-right: 10px;"> <input checked="" type="checkbox"/> </td> <td>Box No. VIII Certain observations on the international application</td> </tr> </table> 4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2). 	<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII Certain observations on the international application
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<input checked="" type="checkbox"/>	Box No. VIII Certain observations on the international application															

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 04 October 2006 (04.10.2006)</p> <p>Authorized officer Yolaine Cussac e-mail: pt11@wipo.int</p>
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See form PCT/ISA/210
Applicant's or agent's file reference A2004/00401		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/AT2005/000069	International filing date (day/month/year) 04.03.2005	Priority date (day/month/year) 09.03.2004	
International Patent Classification (IPC) or both national classification and IPC B23K9/095			
Applicant FRONIUS INTERNATIONAL GMBH			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I Basis of the opinion
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/AT2005/000069

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - in written format
 - in computer readable form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No. PCT/AT2005/000069

Box No. V <u>Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</u>																			
<p>1. Statement</p> <table> <tr> <td align="center">Novelty (N)</td> <td>Claims <u>1-28</u></td> <td align="center">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="center">NO</td> </tr> <tr> <td align="center">Inventive step (IS)</td> <td>Claims <u>1-28</u></td> <td align="center">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="center">NO</td> </tr> <tr> <td align="center">Industrial applicability (IA)</td> <td>Claims <u>1-28</u></td> <td align="center">YES</td> </tr> <tr> <td></td> <td>Claims _____</td> <td align="center">NO</td> </tr> </table>		Novelty (N)	Claims <u>1-28</u>	YES		Claims _____	NO	Inventive step (IS)	Claims <u>1-28</u>	YES		Claims _____	NO	Industrial applicability (IA)	Claims <u>1-28</u>	YES		Claims _____	NO
Novelty (N)	Claims <u>1-28</u>	YES																	
	Claims _____	NO																	
Inventive step (IS)	Claims <u>1-28</u>	YES																	
	Claims _____	NO																	
Industrial applicability (IA)	Claims <u>1-28</u>	YES																	
	Claims _____	NO																	
<p>2. Citations and explanations:</p> <ol style="list-style-type: none"> 1. No relevant prior art was found other than that cited on page 2, lines 1-12 of the description. 2. The subject matter of claims 1 and 19 differs from the acknowledged prior art by virtue of the respective characterising parts of said claims. <p>The claims propose a method and a device for controlling welding apparatus wherein a rapid adjustment and selection of the welding parameters can easily be made for the most diverse requirements.</p> <ol style="list-style-type: none"> 3. Claims 20-27 and 2-18 and 28 are dependent upon claim 19 and claim 1. 																			

WRITTEN OPINION OF THE
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International application No.
PCT/AT2005/000069

Box No. VIII Certain observations on the International application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

4. The vague and imprecise statements on page 10, lines 15-18, page 18, lines 25-33 and page 19, lines 5-11 of the description:

"Furthermore, individual features or combinations of features from the different examples shown and described may also constitute solutions that are independent, inventive or in accordance with the invention.

...

Although the examples show possible embodiments of the control device 4 and the method, it should be noted that the invention is not restricted to the embodiments specifically represented. Instead, diverse combinations of the individual embodiments are also possible and this variation possibility lies within the competence of a person skilled in the technical field in question on the basis of the teaching for technical action through objective invention. The scope of protection therefore also encompasses all conceivable embodiments that might result from combinations of individual details of the embodiments shown and described.

...

The problem addressed by the independent inventive solutions can be derived from the description.

Above all, the individual embodiments shown in

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/AT2005/000069

Box No. VIII Certain observations on the international application

figures 1, 2, 3 may form the subject matter of independent solutions that are in accordance with the invention. The corresponding problems and solutions in accordance with the invention can be derived from the descriptions of said figures."

create the impression that the subject matter for which protection is sought does not correspond to the subject matter defined in the claims and therefore leads to a lack of clarity (PCT Article 6) when the description is used to interpret the claims.